

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROY JOHNSON,

No. C 10-04633 JSW

Plaintiff,

v.

**ORDER RE 1915 REFERRAL
NOTICE RE IN FORMA
PAUPERIS STATUS ON APPEAL**

COUNTY OF MONTEREY,

Defendant.

On May 29, 2012, the United States Court of Appeals for the Ninth Circuit issued an order referring this matter to this Court for the limited purpose of determining whether Plaintiff's in forma pauperis status should continue for purposes of the appeal or whether the appeal is frivolous or taken in bad faith. *See* 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) ("If at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted for the case as a whole."). Although the Court dismissed each of Plaintiff's claims, the Court cannot conclude that Plaintiff has taken the appeal in bad faith or that the appeal is frivolous. Accordingly, the Court shall not revoke Plaintiff's in forma pauperis status.

IT IS SO ORDERED.

Dated: June 5, 2012


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROY JOHNSON,

Plaintiff,

v.

COUNTY OF MONTEREY et al,

Defendant.

Case Number: CV10-04633 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 5, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Roy Johnson
P.O. Box 5371
Corning, CA 96021

Dated: June 5, 2012



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk